



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 6

Mark E. Ogram
7454 S. Kolb Rd., Suite 203
Tucson, AZ 85710

RECEIVED

MAY 01 2002

OFFICE OF PETITIONS

COPY MAILED

APR 10 2002

OFFICE OF PETITIONS

ON PETITION

In re Application of
Ogram
Application No. 09/818,262
Filed: March 26, 2001
Attorney Docket No. 1414S

This is a decision on the petition under 37 CFR 1.137(b), filed March 12, 2001, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed May 3, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 4, 2001.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,
- (2) the petition fee, and
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The instant petition lacks items (1) and (2).

As to (1), the amount of the filing fee due is determined at the time the filing fee is paid in full. On October 1, 2001, the filing fee was increased to \$370 for a small entity. Petitioner only paid \$355. Therefore, petitioner still owes \$15 for the filing fee.

As to (3), petitioner should state word for word or very similarly, "The entire delay in filing the required reply from the due date for the reply until the filing of the instant petition pursuant to 37 CFR 1.137(b) was unintentional."

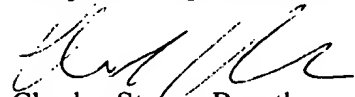
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.



Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy